

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADJUSTACAM LLC,

Plaintiff,

v.

AMAZON.COM, INC. et al.,

Defendants.

Civil Action No. 6:10-cv-329-LED

JURY TRIAL DEMANDED

**DEFENDANT RADIOSHACK CORPORATION'S NOTICE OF JOINDER IN
DEFENDANT WAL-MART STORES, INC.'S PARTIAL MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM**

Defendant RadioShack Corporation ("RadioShack") hereby joins Defendant Wal-Mart Stores, Inc.'s Partial Motion to Dismiss For Failure to State A Claim (Docket No. 147), pursuant to Fed.R.Civ.P. 12(b)(6), and the arguments and authorities found therein.¹

Adjustacam LLC's ("Adjustacam") allegations of indirect infringement against RadioShack are substantively the same as those it has asserted against Wal-Mart Stores, Inc. ("Wal-Mart"), and are deficient for the same reasons set forth in Wal-Mart's Motion to Dismiss. (*Compare* First Amended Complaint for Patent Infringement, Document 111, at ¶¶ 168 (RadioShack), 195 (Wal-Mart.)) Because Adjustacam has not adequately pled the elements of inducing or contributory infringement, its indirect infringement claims against RadioShack should be dismissed.

¹ RadioShack also is concurrently filing its Answer to Adjustacam's First Amended Complaint for Patent Infringement.

DATED: September 8, 2010

Respectfully submitted,

/s/ Michael C. Smith

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this 8th day of September, 2010. Any other counsel of record will be served by facsimile transmission or first-class mail on this same date.

s/ Michael C. Smith
Michael C. Smith